

# Development Management Sub Committee

Wednesday 2 March 2022

**Application for Planning Permission 21/04703/FUL at 69 - 71 Marionville Road, Edinburgh, EH7 6AQ. Demolition of two existing business units and erection of a residential development comprising two apartment buildings, a terrace of mews houses, car parking, landscaping, and other associated works (amendment to 19/04508/FUL) as amended.**

Item number

Report number

Wards

B14 - Craigentinny/Duddingston

## Summary

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The proposal complies with the development plan. The development is acceptable in this location and the overall design concept draws upon the positive characteristics of the area. The development is acceptable in terms of its scale, form and design. There will be no unacceptable impact on residential amenity, road safety, air quality, flood prevention, loss of trees or archaeological heritage. The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP). There are no other material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN09, LEN12, LEN16, LEMP09, LTRA02, LTRA03, NSG, NSGD02,

# Report

**Application for Planning Permission 21/04703/FUL at 69 - 71 Marionville Road, Edinburgh, EH7 6AQ. Demolition of two existing business units and erection of a residential development comprising two apartment buildings, a terrace of mews houses, car parking, landscaping, and other associated works (amendment to 19/04508/FUL) as amended.**

## Recommendations

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1.1 It is recommended that this application be Granted subject to the details below.

## Background

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### 2.1 Site description

The site measures 0.8 hectares and is located on the west side of Marionville Road to the north of the railway line. The site is currently occupied by two vacant business premises, with an extended spur laid out as a car park running alongside the railway.

Access to the site is from Marionville Road, with an adjacent pathway providing access to Lochend Park to the north.

To the north-west of the application site is Lochend Park with the Lochend Butterfly development beyond and to the north-east is Marionville Court Care Home. To the east across Marionville Road is a residential area made up of bungalows. Further south is Meadowbank Stadium and to the south-west across the railway is a recent five storey flatted development with a tenemental area beyond.

The wider surrounding area contains a diversity of uses, although the character is predominantly residential. The mix of uses, along with the varying ages of nearby buildings, has led to some variety in the density of development and architectural styles.

### 2.2 Site History

30 March 2006 - Planning permission refused for a residential development of 123 units (as amended) (application number: 05/01609/FUL). The application was refused as the proposal was considered to be overdevelopment of the site and was not acceptable in terms of its height, massing and its relationship with its wider surroundings. An appeal against the refusal of planning permission was dismissed on 4 April 2007 following a public inquiry (planning appeal reference: P/PPA/230/860).

1 May 2008 - Outline planning permission refused for the erection of residential units (application number: 07/05327/OUT).

10 November 2014 - Planning permission granted for the demolition of the existing business unit (use class 4), erection of new residential development (use class 9) comprising 34 residential flats with associated landscaping and enabling works (application number: 14/02089/FUL).

5 August 2019 - Planning permission refused for the demolition of two existing business class units and the erection of a new residential development of 120 units. Units are split over 4 apartment buildings, noted as Block A (East Block) Block B (South Block), Block C (West Block) and Block D (North Block), and a terrace of 10 mews houses. Application also concerns car parking, car port and associated landscaping (as amended) (application number: 18/10499/FUL). The application was refused on design and amenity grounds, in particular due to the height of Block D, which was overbearing on that part of the park, overshadowed the open space for the care home and impacted significantly on the key view of Arthur's Seat.

7 January 2021 - Planning permission granted for the demolition of two existing business units and erection of a residential development comprising four apartment buildings, a terrace of mews houses, associated car parking, car port and associated landscaping (application number: 19/04508/FUL).

## **Main report**

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### **3.1 Description of the Proposal**

The proposal involves the demolition of the existing business units and erection of a residential development comprising 151 flatted units over two apartment blocks and a terrace of 14 townhouses.

Block A is a five-storey block comprising 12 studio apartments; 25 one-bedroom; 24 two-bedroom and eight three-bedroom flats. Block B is a six-storey block with basement comprising: 19 studio flats; 19 one-bedroom flats; 33 two-bedroom flats; and 11 three-bedroom flats. The 14 townhouses all contain three-bedrooms.

The blocks will be sited around a podium deck with car parking located below at ground level. Car parking includes 53 spaces for the apartment blocks provided under the deck with the townhouses each having an integral garage. Included within the allocation are four disabled spaces and nine electric vehicle spaces. The developer has also advised that they will make a financial contribution to an offsite Car Club space at a location to be agreed with the Council. Two motorcycle spaces will also be provided under the deck.

Bicycle storage is contained in the ground floor footprint of the blocks with direct access from building entrance cores as well as through under deck car park. Space will be provided for a total of 290 cycles with 280 located within a secure internal store and 10 visitor spaces.

Large areas of communal open space will be provided on the podium deck and on the roof terraces. Where possible, ground floor and first floor apartments will have private outdoor gardens. For the first-floor properties these will be around the edge of the podium external space.

The communal courtyard garden has a variety of spaces including a central lawn, planted seating area, woodland garden, viewing terrace and herb garden.

The landscape design of the roof terraces has been considered to create sheltered seating areas to enjoy the views out. Raised planters with hedging and planting will frame the terraces. A variety of seating areas and productive planters are proposed for the residents to make use of. The materiality of the roof terraces is proposed to be a similar palette to the first-floor podium and to compliment the architecture.

Waste provision is catered for through internal bin stores located close to circulation cores within both blocks.

### **Supporting Documents**

The following documents have been submitted in support of this application and are available to view on the Planning and Building Standards Online Service;

- Planning Statement;
- Design and Access Statement;
- Landscape Design and Access Statement;
- Pre-Application Consultation Report;
- Transport Assessment;
- Noise Impact Assessment;
- Air Quality Assessment (and addendum letter);
- Flood Risk Assessment and Drainage Strategy;
- Daylight and Sunlight Assessment;
- Tree Survey & Report;
- Arboricultural Implication Assessment & Method Statement;
- Sustainability Statement and S1 Form;
- Preliminary Ecological Assessment;
- Bat Survey;
- Affordable Housing Statement and
- Phase 1 Site Investigation.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### 3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) the principle of residential development is acceptable in this location;
- (b) the layout, scale and design are appropriate;
- (c) there will be any impact on residential amenity;
- (d) the proposal will give rise to any transport or air quality issues;
- (e) there are any issues in relation to flood prevention;
- (f) there are any issues in relation to Parks and Greenspaces;
- (g) there are any ecological issues;
- (h) there are any issues in relation to archaeology;
- (i) there are any issues in relation to adjacent railway;
- (j) there are any other infrastructure requirements;
- (k) there are any other material considerations and
- (l) any public comments have been addressed

#### **a) Principle**

The application site is designated as urban area in the Edinburgh Local Development Plan (LDP). Policy Hou 1 (Housing Development) of the LDP permits housing development on sites within the urban area subject to the proposal being compatible with the other relevant policies.

#### **Loss of Existing Business Premises**

Policy Emp 9 (Employment Sites and Premises) of the LDP advises that proposals to redevelop employment sites or premises in the urban area will be permitted provided that they meet three criteria: a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use; b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area; and c) if the site is larger than one hectare, the proposal includes floorspace designed for a range of business users.

The surrounding area is predominantly residential and there are no nearby employment uses that would be inhibited by the redevelopment of the site for residential use. Therefore, the proposal complies with criteria a) of Emp 9.

In recent years the wider area around Lochend Park has undergone, and continues to undergo, significant change in terms of redevelopment and regeneration. The adjacent site to the east has been redeveloped with a care home, the former print works on the site across the rail line to the west has been redeveloped for residential use and, most significantly, the extensive regeneration of the Lochend Butterfly site across the park to the north has also been redeveloped for residential use. In addition, the regeneration of the former Meadowbank Stadium has recently begun to the south of the site which also includes a significant proportion of residential development.

The buildings currently occupying the site are of a functional design with limited architectural merit and no longer relate to their surroundings. The redevelopment of the site is an opportunity to introduce a more appropriate use and a more legible urban form into this space in compliance with criterion b).

The unit to the rear of the site has been vacant for over a decade, which is partly attributable to the area no longer being considered suitable for industrial uses. However, despite the loss of the existing business floorspace, the site is less than one hectare in size and criterion c) is not applicable.

Overall, the loss of the existing business units and the site's redevelopment for residential use is acceptable.

### **b) Design, Scale and Form**

In assessing the scale, design and layout of the proposals, there are design policies contained within the LDP and the Edinburgh Design Guidance.

Policies Des 1 to Des 8 of the LDP outline a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area, with the need for high quality design which is appropriate in terms of scale, form, design and layout.

The site is adjacent to the former Powderhall rail link, which marks a clear change in character in the locality moving from high density tenemental developments to lower density bungalows, all of which provide a positive frontage onto Marionville Road. The development is located within the area to the north of the railway line where it is lower density. The existing care home building to the immediate north of the application site has less of a positive frontage to Marionville Road but responds well to the topography of the site by having a lower prevailing building height and is set back to provide a landscaped frontage.

Block A that fronts Marionville Road will have a similar form and scale as a tenement, however, it will be set back from the street edge behind a small area of landscaping. The development block will then angle away from the boundary with the park reducing its visual impact and creating a more welcoming and coherent entrance to Lochend Park. The scale and massing take cognisance of its surroundings and the positioning of the building on Marionville Road is an appropriate design response to the site and reflects the local change in urban form and character. In addition, it is proposed that the ground floor of this elevation will be the communal area for the residents, which will provide visual interest and activate the street frontage.

The height of the building at five storeys along the frontage is higher than surrounding buildings on this side of the railway line, but the set-back allows for the building to sit comfortably within its setting without appearing incongruous. High density development is encouraged on urban brownfield sites and Block B will be a step up in height from Block A but is able to nestle in behind and is reflective of the taller buildings to the north of the park. The height of the blocks takes cognisance of existing developments around the site and helps the proposal to achieve a sustainable urban density while being sympathetic to its surroundings.

The principle of a strong urban edge to Lochend Park is acceptable. The prevailing character around the north-western perimeter of the park is of large-scale blocks. This provides a good level of frontage and overlooking. Block A will be located alongside a narrow pedestrian footpath that runs between the site boundary and the curtilage of the care home.

This edge provides an opportunity to create a new entrance to the park with windows and balconies on this elevation providing passive overlooking and a sense of security on what is currently a secluded pathway enclosed on either side with metal security fencing.

Block B, at the rear of the site, has a similar relationship with Lochend Park as the Lochend Butterfly site to the north. Consequently, the height of this elevation has been increased to address the wider park in the same way as the Butterfly development. The height of the proposal will not be as tall as the nearby residential blocks in the Butterfly development but will provide a positive urban edge that will help to enliven a currently unwelcoming corner of the park.

In further assessing the height and scale of the proposal, policy Des 11 (Tall Buildings - Skyline and Key Views) of the LDP states that planning permission will only be granted for development which rises above the prevailing building height where the scale is appropriate in its context and there would be no adverse impact on important views.

The EDG contains a study of key views and skylines and identifies key view E9a as Arthur's Seat from Lochend Park upper level and Lochend Road South. The scale of the proposed development will have an impact on the lower section of the identified key view. However, the height of the development has considered the key view and views of the upper parts of Arthur's Seat will be retained.

The proposed townhouses are of an appropriate design and make efficient use of the space on that part of the site.

A mix of units is provided in the proposal, including 151 flats and 14 townhouses. Policy Hou 2 (Housing Mix) of the LDP seeks the provision of a mix of house types and sizes where practical. The Edinburgh Design Guidance recommends that 20% of the total units should have three or more bedrooms. Including the townhouses, the proposal contains 33 three-bed properties which equates to 20% and is in line with the guidance.

The proposed materials will be predominantly pale buff brick with white brick inset around window openings and brown brick base course to anchor the elevations with the ground. Window frames, steel balustrades and railings will be a bronze colour. Although there are no brick buildings within the vicinity, there is a range of materials including render, stone and timber. The proposed materials are acceptable.

Overall, the proposal is acceptable in this location in terms of its scale, form and design. It will make a positive contribution to its surroundings and will preserve the key view from the upper level of the park. Therefore, the development complies with policies Des 1-8 and Des 11.

### **c) Amenity**

LDP policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

## Amenity of Neighbours

A Daylight and Sunlight Assessment (DSA) has been submitted in support of the application. The DSA measures the impact of the development on the level of Vertical Sky Component (VSC) for the neighbouring developments. The calculations indicated that four of the rooms within the neighbouring care home do not pass the VSC test. The affected windows were also assessed using Average Daylight Factor (ADF) calculations and all pass the ADF test. All neighbouring residential elevations fully comply with the BRE guidance and the EDG in relation to daylight.

A daylighting/shadow study has been submitted in support of the application. The study shows that the care home's garden area where it lies adjacent to the development will be overshadowed for part of the day. However, the care home has a larger garden area around its curtilage, and in-particular has two well maintained central courtyard gardens. The increased area of overshadowing is not significant considering its overall external amenity areas, particularly in the summer months, and the impact is acceptable.

The closest neighbour to the development will be the care home. The windows of the development will be approximately 24 metres from the care home at its nearest point. Similarly, the window to window distances to the properties on Marionville Road will be 30 metres and 24 metres from the flats on Dalgety Road to the townhouses. As a result, there are no issues in relation to privacy.

## Amenity of Future Occupants

In terms of the amenity of future residents within the proposed development, daylight analysis has been submitted that demonstrates that most of the units will receive adequate daylight when assessed using the no sky line method. The exception is two of the first floor units in Block A where the height of Block B results in a marginal fail on this assessment. However, each of these units has a southerly aspect over the communal garden area and the position of Block B will allow direct sunlight to the properties' windows for a large part of the day and until 13:00 during the spring equinox.

LDP policy Hou 3 (Private Green Space in Housing Development) requires communal open space to be provided at a ratio of 10sqm per flat and for 20% of the site area to be usable greenspace. Open space is provided on the podium deck and roof terraces. Private gardens are provided at lower ground and ground floor level to the outward facing properties and at first floor level on the podium deck. The gardens will be edged with timber planters and hedging to create defensible space for the residents. The amenity space on the roof terraces will be centrally located and set back a minimum distance of 3 metres from the edges for safety and to protect amenity.

A total of 24 ground floor units at Blocks A and B will be provided with private gardens. Approximately 17sqm of communal greenspace will be provided for each unit that does not have a private garden. The proportion of greenspace provided significantly exceeds the 20% minimum required by Policy Hou 3. The proposed development is therefore in accordance with Policy Hou 3 of the ELDP.



The EDG advises that half the area of new garden spaces should be capable of receiving potential sunlight for more than two hours during the spring equinox. The DSA shows that the central landscaped courtyard will receive adequate levels of sunlight and the roof terraces will receive sunlight throughout the day.

The EDG also includes recommended internal floor areas for flat sizes. All the units meet the minimum internal floor area requirements.

A Noise Impact Assessment (NIA) has been submitted in support of the application. Although the railway line is not currently operational, for the purposes of the NIA it has been modelled as if it were. The NIA makes a number of recommendations on façade construction and ventilation provisions to ensure that residential amenity will be protected. Environmental Protection has not commented on the application. However, they did provide a response to the previous proposal confirming that the noise mitigation proposals were acceptable, subject to a suitable condition. In terms of noise, the current proposal is broadly the same as the previous iteration. Therefore, the proposal is considered to be acceptable subject to a condition on noise mitigation measures.

Overall, the proposal complies with Des 5 and will provide adequate amenity to future occupiers.

#### **d) Transport and Air Quality**

##### Transport

Parking for 53 vehicles will be provided in an enclosed car park at ground floor level beneath the landscaped deck, including four accessible spaces and nine for electric vehicles. The townhouses will each be provided with an integral garage. Policy Tra 2 (Private Car Parking) advises that lower parking provision will be pursued subject to a number of factors, including the site's accessibility and proximity to local amenities. The site is well located within convenient walking distance of bus stops, cycle routes and local amenities. Therefore, the level of car parking provided is adequate for a development of this nature and complies with Tra 2.

A total of 290 cycle parking spaces will be provided within secure locations within the apartment blocks with one external store for 30 cycles. The level of cycle parking provision is in compliance with policy Tra 3 (Cycle Parking).

Overall, the transport measures are acceptable and in accordance with LDP policy and guidance.

##### Air Quality

An Air Quality Impact Assessment (AQIA) has been submitted in support of the application. As part of the AQIA, dispersion modelling was undertaken to quantify existing pollutant concentrations at the site and to predict air quality impacts as a result of road vehicle exhaust emissions associated with traffic generated by the proposals.

Predicted impacts on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations as a result of operational phase exhaust emissions were predicted to be negligible at all sensitive receptor locations considered. The overall significance of potential impacts was therefore determined to be not significant, in accordance with the Environmental Protection Scotland guidance.

### **e) Flood Prevention**

A Flood Risk Assessment and a Surface Water Management Plan have been submitted in support of the application. The Council's Flood Prevention Team has confirmed that the proposed drainage and surface water management arrangements for the site are acceptable and in compliance with policy Env 21 (Flood Protection). However, this is subject to the agreement of Parks and Greenspaces that they accept the proposals to discharge surface water to Lochend Loch.

CEC Parks and Greenspaces have been involved in the proposal from the outset. The application site is currently hardstanding that drains unattenuated to the public combined sewer and eventually Lochend Loch. The proposal seeks to discharge to Lochend Loch via the public surface water sewer system that will improve the existing situation by reducing the runoff rate. The proposed drainage will provide significant betterment over the existing situation and will remove surface water from the public combined sewer. This will have an improved effect on the rate of surface water discharging to Lochend Loch and Parks and Greenspaces have no objections to the proposal.

### **f) Parks and Greenspaces**

The proposal will create a new access to the park from the development and it is also proposed that the existing path around Lochend Loch where it runs close to the development will be improved and laid with an asphalt surface. These works have been agreed by CEC Parks and Greenspaces.

The proposal also includes the removal of a number of trees from within the site and in the southern corner of Lochend Park. In total, two trees will be removed from within the site and 10 trees from the park. The two trees to be removed from the site are in very poor condition and unsuitable for retention. Within the park, the close planting of the trees has created a dense canopy, which in turn has created a somewhat dark and secluded environment. Of the ten trees to be removed from within the park, four are considered unsuitable for retention due to their poor condition, three are recommended for removal as they heavily impinge on the development site and a further three are to be removed at the request of Parks and Greenspaces. Overall, the loss of the identified trees is acceptable and complies with policy Env 12 (Trees).

### **g) Ecology**

Policy Env 16 (Species Protection) advises that planning permission will not be granted for development that would have an adverse impact on species protected under law. A Bat Roost Survey submitted in support of the development advises that the proposal will have an effect on a European protected species, in this case bats.

Therefore, in accordance with the Habitats Regulations 1994, will require the applicant to carry out the works under a bat low impact licence. Prior to undertaking the works it will be necessary for the applicant to be in receipt of planning permission.

### **h) Archaeology**

A condition was attached to the previously approved permission for this site requiring a programme of archaeological works to be undertaken prior to /during development in order to, record, analyse and date Palaeo-loch deposits and any associated deposits. A written scheme of investigation was agreed with AOC Archaeology on behalf of the developer in November 2021. The resulting AOC Data-structure report issued in April 2021 indicated that important paleo-environmental remains did survive requiring post-excavation analysis, reporting and publication. Although commissioned (August 2021) with an agreed timescale of completion no later than January 2023, this work has not yet been completed. Therefore, it is necessary that an archaeology condition is imposed to ensure the complete undertaking of this required programme of archaeological works.

### **i) Impact on the Railway**

Network Rail has been consulted on the application and advised that they have no objections to the application subject to a condition requiring the provision of a 1.8 metre high fence adjacent to Network Rail's boundary.

### **j) Other Infrastructure Requirements**

#### **Affordable Housing**

The 25% affordable housing provision will consist of flatted apartments of a range of sizes from one to three bedrooms, and these will be 'pepper-potted' throughout the development:

- 16x One Bedroom flats (39%)
- 19x Two Bedroom flats (46%)
- 6x Three Bedroom flats (15%)

This offers a broadly representative and integrated mix of affordable homes that can be delivered on site. The applicant has agreed that the affordable homes would not include any studio flats and are providing an increased number of affordable one-bedroom properties instead. The affordable housing will be delivered by the applicant as 'intermediate rent'. The affordable homes will be tenure blind, and the tenants will have access to the same amenities and services as the tenants of the market rent housing. The affordable housing units will be subject to a legal agreement.

#### **Communities and Families**

This site falls within the 'Leith Trinity Education Contribution Zone' of the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that are anticipated should the proposal progress.

The proposed development is therefore required to make a contribution towards the delivery of these actions. The required contribution should be based on the established contribution figures of £980 per flat and £6,536 per house (indexed to the date of payment). This equates to a total education contribution of £165,984 for the proposed 76 flats (discounting studios and 1 beds) and 14 townhouses. The contributions will be sought via a legal agreement.

### Primary Healthcare

This site falls within the 'Brunton Health Care Zone' of the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The impact of the proposed development on the identified primary healthcare infrastructure actions and current delivery programme has been assessed, as set out in the guidance.

The required contribution is based on the established contribution figure of £945 per dwelling (indexed to the date of payment). This equates to a total primary healthcare contribution of £155,925 for the proposed 165 units. The contributions will be sought via a legal agreement.

### **k) Other Material Considerations**

#### Scottish Planning Policy (SPP)

The LDP was adopted more than five years ago and as a result, Scottish Planning Policy states that a presumption in favour of development that contributes to sustainable development will be a significant material consideration. Paragraph 29 of SPP sets out the 13 principles to guide policy and decisions.

The development proposes an appropriate and sustainable land use which will support the local economy. The scheme makes good use of the land available, and the design will create a sense of place. The site is within walking distance of local services and high-quality greenspaces. The proposal includes measures to assist with climate change mitigation, including limiting car parking, the provision of e/v chargers, ample cycle parking and solar panels on the roof of the building.

The proposed development therefore complies with the 13 SPP principles.

#### Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and Human Rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights

### **I) Public Comments**

- The development is too tall - assessed in section 3.3(b);
- The proposal will block light to neighbouring residential properties - assessed in section 3.3(c);
- Loss of privacy to neighbouring properties - assessed in section 3.3(c);
- Access to the park will become intimidating - assessed in section 3.3(b);
- Lack of car parking on site - assessed in section 3.3(d);
- Population increase will impact local services - assessed in section 3.3(j);
- Concern over loss of trees - assessed in section 3.3(f); and
- Impact on wildlife - assessed in section 3.3(g).

### **Conclusion**

The proposal complies with the development plan. The development is acceptable in this location and the overall design concept draws upon the positive characteristics of the area. The development is acceptable in terms of its scale, form and design. There will be no unacceptable impact on residential amenity, road safety, air quality, flood prevention, loss of trees or archaeological heritage. The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP). There are no other material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

### **3.4 Conditions/reasons/informatives**

#### **Conditions: -**

1. The applicant must implement the agreed programme of archaeological work (post-excavation analysis and publication) in accordance with the agreed Post-excavation Research Design and timetable which has been submitted by the applicant and approved by the City of Edinburgh Council's Archaeologist on behalf of the Planning Authority.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

3. Prior to the commencement of development, details of a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal will be submitted and approved by the planning authority.

The approved fence will be fully implemented prior to the first occupation of the development.

4. Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
    - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
5. The development will be constructed in line with the Building Facade Noise Mitigation Measures specified in section 5 of the Acoustic Consultants Limited Report (Ref: 9144/PR), dated 1 September 2021. The works shall be carried out in full and completed prior to the development being occupied.

**Reasons: -**

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In the interests of public safety and the protection of Network Rail infrastructure.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
5. In order to protect the amenity of the occupiers of the development.

**Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, healthcare and affordable housing has been concluded and signed. The legal agreement shall include the following:

Education - A sum of £165,984 (indexed to the date of payment).  
Healthcare - A sum of £155,925 (indexed to the date of payment).  
Affordable Housing - 25% provision in accordance with Council policy.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be ref

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. The applicant should consider the provision of car club vehicles. A contribution the sum of £5,500 per car and £1,500 per order would be required but this does not require to be included in any legal agreement.
6. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. It is expected that the mews access will be included under the Road Construction Consent.
7. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent including Stage 2 Road Safety Audit and Designer's Response.
8. The applicant should note that new road names may be required for the development, and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

9. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
10. Due to the proximity of Network Rail's land, we require the developer to contact Network Rail's Asset Protection Engineers prior to work commencing on site. Removal of the adjacent trees may require Network Rail supervision, and this will need to be discussed further.

Contact details:

Network Rail Asset Protection Engineer  
151 St. Vincent Street, GLASGOW, G2 5NW

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

The application is subject to a legal agreement for developer contributions.

## **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.



## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

A total of 10 representations have been received in response to the application. One of the representations raised general points about the development and nine contained objections to the proposal. The comments are summarised in the assessment section of the report.

### **Background reading/external references**

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- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development  
Plan Provision**

The site is designated as urban area in the Edinburgh Local Development Plan.

**Date registered**

7 September 2021

**Drawing numbers/Scheme**

01-02, 03A, 04, 05A-09A, 10-11, 12A-14A, 15, 16A,,  
17-24, 25A, 26-28, 29A-30A, 31-35,

Scheme 2

**David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Alex Gudgeon, Planning Officer

E-mail: alexander.gudgeon@edinburgh.gov.uk

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

## **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

# Appendix 1

## **Application for Planning Permission 21/04703/FUL At 69 - 71 Marionville Road, Edinburgh, EH7 6AQ Demolition of two existing business units and erection of a residential development comprising two apartment buildings, a terrace of mews houses, car parking, landscaping, and other associated works (amendment to 19/04508/FUL) as amended.**

### **Consultations**

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#### **Affordable Housing**

*I refer to the consultation request from the Planning Department about this planning application.*

*Housing Management and Development are the consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).*

*o Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*

*o 25% of the total number of units proposed should be affordable housing.*

*o The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:*

*<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>*

#### **2. Affordable Housing Provision**

*This application is for a 'Build to Rent' (BTR) development consisting of 165 homes and as such, the AHP will apply. There will be an AHP requirement for a minimum of 25% (41.25) homes of approved affordable tenures.*

*An application (19/04508/FUL) for this site was considered by committee on 16 December 2020. The applicant has subsequently made this further application for the site and has proposed delivering and operating BTR housing. The applicant entered into dialogue with the Council on the design, mix and location of the affordable housing from an early stage, and this is welcomed. The applicant has stated that the affordable housing will account for 41 (25%) of the new homes, delivered onsite.*

*The applicant has explored RSL delivery of the affordable housing but this will not be possible due to the higher density design, which does not include a stand alone RSL block, and the financing structure of BTR, backed by institutional investors who will only invest if complete ownership of blocks is achieved.*

*On 29 January 2020 Planning Committee noted the report "Support for Build To Rent", the recommendations of which had been approved by Housing, Homelessness and Fair Work Committee on 20 January 2020. This report set out that BTR developments can bring institutional investment and placemaking as well as delivering housing at a scale and pace which is rarely matched by traditional housing for sale providers.*

*The affordable housing within this revised application would consist of flatted apartments of a range of sizes from one to three bedrooms, and these will be 'pepper-potted' throughout the development:*

- o 16x One Bedroom flats (39%)*
- o 19x Two Bedroom flats (46%)*
- o 6x Three Bedroom flats (15%)*

*This offers a broadly representative and integrated mix of affordable homes that can be delivered on site. The applicant has agreed that the affordable homes would not include any studio flats and are providing an increased number of affordable one bedroom properties instead, which is welcomed. Furthermore, the tenants of the affordable homes will have access to the same amenities and services as the tenants of the market rent housing.*

*The affordable housing will be delivered by the applicant as 'intermediate rent' and will be secured as affordable housing for a minimum of 25 years. Both the market rent and intermediate rent housing on this development will be managed and operated as BTR by Dandara Living.*

*Rents would be restricted to Scottish Government's published Broad Rental Market Area (BRMA) 30th Percentile for the Lothians. BRMA 30th Percentile is significantly less than average market rents in Edinburgh; between £1,499 and £5,208 less per annum, depending on house size.*

*Institutional investment in this development means that the affordable homes can be delivered without grant subsidy; the grant freed up by BTR can be channelled into delivery of social rented homes. A RSL development of 41 affordable homes would require in excess of £3.2m in grant funding.*

*The Council's Affordable Housing Policy sets out a "Definition of Priority Clients"; those people who are in housing need and who cannot afford to access accommodation through the regular functioning of the housing market and earn below average household income. Rents at the 30th Percentile are affordable to people within the defined client group, and significantly less than average market rents.*

*The affordable homes are required to be tenure blind and fully compliant with latest building regulations. They are situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.*

### *3. Summary*

*The applicant has made a commitment to provide 25% on site affordable housing as intermediate rent, which will be managed by the applicant and requires no grant subsidy.*

*This approach which will assist in the delivery of a mixed sustainable community:*

- o The applicant will deliver 41 affordable homes (25% affordable housing) as "intermediate rent" for a minimum of 25 years.*
- o The affordable housing includes a variety of sizes to broadly reflect the provision of homes across the wider site.*
- o In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be identical in appearance to the market housing units, the homes will be 'pepper-potted' throughout the development and the tenants of the affordable housing will be able to access the same amenities as the tenants of the market housing.*
- o There is no grant funding required for the affordable homes. The grant funding freed up by BTR developments will be targeted to delivering social rented homes within the city.*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

*This department is supportive of this application for the reasons set out above.*

*We would be happy to assist with any queries on the affordable housing requirement for this application.*

## **Archaeology**

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for the Demolition of two existing business units and erection of a residential development comprising two apartment buildings, a terrace of mews houses, car parking, landscaping, and other associated works (amendment to 19/04508/FUL).*

*As stated in response to the 2019 application, the site lies across the southern end of Lochend Park centred upon the historic Lochend Loch and the historic landscape surrounding Restalrig House situated on a high ground overlooking the eastern side of the Loch. Lochend Loch appears to have been formed after the last Ice Age and has been a focus for settlement and activity since this period. Historic mapping indicates that the current loch has been infilled since the 19th century to form the current park. The discovery of deep peat deposits from boreholes undertaken on this site in 2004 by Holequest indicates that historically the Loch appears to have extended under the western part of the application site, with the business units potentially overlying its shore.*

*Accordingly, this site has been identified as occurring within an area of archaeological historic and archaeological significance. This application must be considered therefore under terms the Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9*

*A condition (No. 5) was attached to the 2019 approved application, to undertake a programme of archaeological works prior to /during development in order to, record, analyse and date these Palaeo-loch deposits and any associated deposits. A written scheme of investigation was agreed with AOC Archaeology on behalf of the developer in November 2021. The resulting AOC Data-structure report issued in April 2021 indicated that important paleo-environmental remains did survive requiring post-excavation analysis, reporting and publication. Although commissioned (August 2021) with an agreed timescale of completion no later than January 2023, this work has not yet been completed. It is therefore recommended that the following condition is attached to ensure the undertaking of this required programme of archaeological works;*

*'The applicant must implement the agreed programme of archaeological work (post-excavation analysis and publication) in accordance with the agreed Post-excavation Research Design and timetable which has been submitted by the applicant and approved by the City of Edinburgh Council's Archaeologist on behalf of the Planning Authority.'*

## **Biodiversity**

### *Policy Env16 Species protection*

*Report: Bat Roost Survey Marionville Road, Edinburgh EH7 6AW, Acorna Ecology Ltd, August 2021*

*Findings: The surveys found one bat roost present used by a solitary Soprano Pipistrelle on one occasion only.*

*A Bat Protection Plan has been supplied by the applicant, which will form part of a licence application from NatureScot.*

*Recommendations: Based on the information supplied by the applicant, I have assessed the likelihood of this application meeting the three test necessary for NatureScot to issue a derogation licence for the destruction of bat roost. See attached.*

*For the Committee report you may wish to include the following paragraph:*

*This development will have an effect on a European protected species, in this case bats. Therefore, in accordance with the Habitats Regulations 1994, will require the applicant to carry out the works under a bat low impact licence - Guidance - Bat Low Impact Licencing (BLIMP). Prior to undertaking the works it will be necessary for the applicant to be in receipt of planning permission.*

*The following Condition should be added to any consent given:*

*Condition*

*Prior to the commencement of development, the developer shall provide to the Planning Authority:*

*a) a copy of the relevant European Protected Species licence, (or notification of works to be carried out under a Bat Low Impact Licence)*

*b) a copy of a statement in writing from NatureScot (licensing authority) stating that such a licence is not necessary for the specified development*

*Reason: To protect the ecological interest in accordance with Local Development Plan policies Env16*

## **Commercial Development and Investment**

*It is estimated that the existing buildings could - if fully occupied - directly support approximately 84 FTE jobs and £5.25 million of GVA per annum (2018 prices). The proposed residential development would not directly support any jobs but could be expected to support approximately 21 FTE jobs and £0.74 million of GVA per annum (2018 prices) via the impact of residents' expenditure. This represents a net impact of minus 61 FTE jobs (21 - 84) and minus £4.51 million of GVA per annum (2018 prices) (0.74 - 5.25). It is recognised, however, that the existing buildings are of advanced age and so fully letting them in their current condition may be challenging.*

*There are pressures on the supply of industrial stock in Edinburgh and the loss of a significant quantum of existing space with no replacement space being provided is unfortunate. However, it is noted that the existing space is of advanced age and not in a strategic industrial location.*

*The following are comments from the City of Edinburgh Council's Commercial Development & Investment service relating to planning application 21/04703/FUL for the development of housing at 69-71 Marionville Road, Edinburgh.*

## *Commentary on existing uses*

*The application relates to a 0.80-hectare site bound by Marionville Court care home to the north, Marionville Road to the east, a railway line to the south, and Lochend Park to the west. The site is currently occupied by two 1960s warehouse buildings -69 Marionville Road and 71 Marionville Road - totalling 4,390 sqm (gross). The buildings have been used for multiple different purposes, most recently as a tai chi centre and warehouse respectively.*

*The potential economic impact of the existing buildings can be estimated. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that light industrial buildings can support on average one full-time equivalent employee per 47 sqm (net). Assuming a net internal area for the buildings of approximately 3,951 sqm ( $4,390 \times 0.9$ ), this suggests that the existing buildings could be expected to directly support approximately 84 FTE jobs if fully occupied ( $3,951 \div 47$ ). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the "transport and storage" sector in Edinburgh is £62,535 per employee (2018 prices). This suggests that the existing buildings could be expected to add approximately £5.25 million of gross value added to the economy of Edinburgh per annum (2018 prices) if fully occupied for light industrial/warehousing uses ( $£62,535 \times 84$ ).*

*There are pressures on the supply of industrial stock in Edinburgh and the loss of a significant quantum of existing space with no replacement space being provided is unfortunate. However, it is noted that the existing space is of advanced age and not in a strategic industrial location.*

*As the site is less than one hectare, policy EMP 9 of the LDP does not apply. There is therefore no requirement for any development to incorporate business space.*

## *Commentary on proposed uses*

*The application proposes the demolition of the existing buildings and their replacement with 165 new homes comprising 14 of townhouses and 151 flats.*

### *- Class 9 - Houses / Sui generis - flats*

*The development as proposed would deliver 165 new homes. These would not be expected to directly support any economic activity. However, the flats could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 165 flats could be expected to collectively spend approximately £4.36 million per annum. Of this £4.36 million, it is estimated that approximately £2.23 million could reasonably be expected to primarily be made within Edinburgh. This £2.23 million could be expected to support approximately 21 FTE jobs and £0.74 million of GVA per annum (2018 prices).*

### *- Overall impact*

*It is estimated that the existing buildings could - if fully occupied - directly support approximately 84 FTE jobs and £5.25 million of GVA per annum (2018 prices). The proposed residential development would not directly support any jobs but could be expected to support approximately 21 FTE jobs and £0.74 million of GVA per annum*



*(2018 prices) via the impact of residents' expenditure. This represents a net impact of minus 61 FTE jobs (21 - 84) and minus £4.51 million of GVA per annum (2018 prices) (0.74 - 5.25). It is recognised, however, that the existing buildings are of advanced age and so fully letting them in their current condition may be challenging.*

*There are pressures on the supply of industrial stock in Edinburgh and the loss of a significant quantum of existing space with no replacement space being provided is unfortunate. However, it is noted that the existing space is of advanced age and not in a strategic industrial location.*

## **Network Rail**

*Thank you for consulting Network Rail regarding the above development.*

*Whilst Network Rail has no objections in principle to the development, due to its close proximity to the operational railway, we would request that the following matters are taken into account by the applicant, and if necessary and appropriate, included as an advisory note, if granting the application:*

*Due to the proximity of Network Rail's land, we require the developer to contact Network Rail's Asset Protection Engineers prior to work commencing on site. Removal of the adjacent trees may require Network Rail supervision, and this will need to be discussed further.*

*Contact details:*

*Network Rail Asset Protection Engineer  
151 St. Vincent Street, GLASGOW, G2 5NW*

*If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Network Rail's existing boundary measure must not be removed without prior permission.*

*We trust full cognisance will be taken of these comments.*

## **Scottish Water**

*Audit of Proposal*

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

*Water Capacity Assessment*

*Scottish Water has carried out a Capacity review and we can confirm the following:*

*- There is currently sufficient capacity in the Glencorse Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

## *Waste Water Capacity Assessment*

*- There is currently sufficient capacity for a foul only connection in the Edinburgh Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

### *Please Note*

*- The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

### *General notes:*

*- Scottish Water asset plans can be obtained from our appointed asset plan providers:  
- Site Investigation Services (UK) Ltd  
- Tel: 0333 123 1223  
- Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)  
- [www.sisplan.co.uk](http://www.sisplan.co.uk)*

*- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.*

*- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.*

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

- All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- Trade Effluent Discharge from Non Dom Property:

- Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

- If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

- For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com) I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

Angela Allison

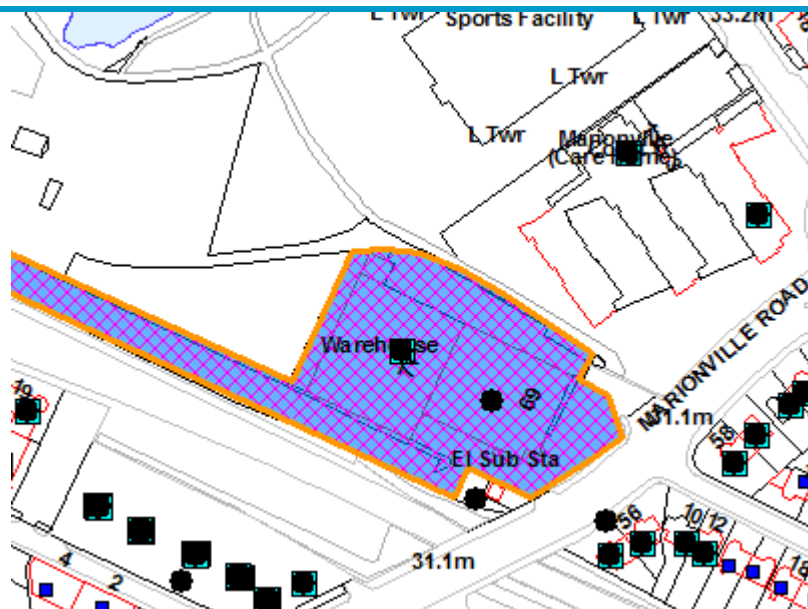
Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

## Location Plan



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